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Chair

Mr. Robert Oliphant

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● (1100)

[*English*]

The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)): I call this meeting to order.

[*Translation*]

This is the 108th session of the Standing Committee on Citizenship and Immigration.

[*English*]

Welcome to our officials who are coming to us from two departments, as well as agencies and the IRB. Thank you very much for agreeing to come.

Our committee wanted to take the opportunity to have a briefing from our officials on the issue of the irregular border crossings that are occurring and the asylum seekers who are entering Canada. It seemed best to start with the officials who are responsible for both managing that process as well as dealing with the outcomes of it at the IRB.

We'll have the departmental officials from Citizenship and Immigration begin, followed by Public Safety and Emergency Preparedness, followed by the RCMP, CBSA, and then the IRB.

Each group has seven minutes, and then the questions could be directed anywhere. Again, thank you.

We begin with Mr. MacDonald.

Mr. Mike MacDonald (Associate Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration): Good morning, Mr. Chair. I'm happy to appear before the committee on the topic of irregular migration today.

My name is Mike MacDonald. I'm the Associate Assistant Deputy Minister of Strategic and Program Policy at IRCC, and I'm joined by my colleague, Louis Dumas, who is the Director General of our domestic network.

[*Translation*]

I will be pleased to answer any questions committee members may have, but first, I would like to make a few comments.

As everyone is aware, the Government of Canada has spent many months responding to the increase in irregular migration at key points along the border.

We continue to work with full vigour on this issue in collaboration with provinces, territories and municipalities, and across different departments and agencies within the Government of Canada.

[*English*]

Our common goals remain the same: ensuring an orderly and efficient process, treating asylum seekers humanely and in line with our international obligations, and protecting the safety and security of Canadians. That being said, I think it's important to keep sight of the fact that the asylum system has a role that is fundamentally different from all other areas of the immigration system.

Asylum claims are governed, in part, by international treaties that Canada has signed, so we have a legal responsibility to assess asylum claims as per international conventions.

The critical goals of Canada's asylum system include: first, saving lives; second, offering protection to displaced and persecuted people from every part of the world; third, responding to international crises by providing assistance to those in need of protection; and finally, meeting our country's international legal obligations with respect to refugees.

[*Translation*]

Our rules-based system will ultimately determine the validity of any individual asylum seeker's claim, but as officers, we never forget that many of these claimants have made very difficult decisions to leave their lives behind in order to arrive at our border.

We treat them with respect and afford them the opportunity to have their cases heard.

● (1105)

[*English*]

At the same time, we make every effort to communicate to potential asylum seekers that entering Canada between designated points of entry is not a free ticket into the country. Rather, it is a violation of Canadian law and can be very dangerous.

We continue to apply our policies and procedures to protect our border while respecting Canada's domestic and international obligations.

Many federal departments and agencies, along with provincial and local partners, are working together to manage the situation. We're making every effort to ensure adequate resources are available at key locations to address volume. Departments are continually reviewing their operational priorities to ensure we are appropriately responding. Together, we have made significant progress in the last several months in planning for further potential influxes.

[*Translation*]

This includes supporting the work of the Ad Hoc Intergovernmental Task Force on Irregular Migration, which provides a focal point for the collaborative work on this issue.

The Task Force has met nine times, and will continue to meet on a regular basis to discuss the latest progress and ongoing coordination efforts.

[*English*]

At their most recent meeting in Ottawa on April 18, members of the task force agreed to take concrete action to ensure even more coordinated and effective responses to the irregular migration situation. Although irregular crossings from the United States into Canada have occurred in different locations across the country such as the Pacific Highway in British Columbia; Emerson, Manitoba; and of course, Lacolle, Quebec, we do appreciate that the province of Quebec is in fact receiving a disproportionate number of the asylum seekers. That's why we're currently working with our Quebec counterparts on a number of issues in order to help move individuals who wish to go as quickly as possible to other provinces.

We also continue to work collaboratively with our counterparts in all provinces as part of our contingency planning, because even though we're managing current volumes, we know we must prepare for the possibility that numbers may increase. In fact, we've made significant progress in the last several months in planning for further potential influxes of asylum seekers, and we've introduced innovations into our processes that will help ensure a rapid response to any surge in irregular migration.

[*Translation*]

At the same time, we're continuing our outreach efforts to ensure that individuals are aware of Canadian immigration laws, and the risks of irregular migration into Canada.

In order to do so, we continue to work closely with our missions in the United States, engaging directly with communities in that country, and issuing messages on social media channels in Canada and the United States on these topics.

[*English*]

Many of the recent asylum seekers are Nigerians with U.S. visas, so we are also engaged with our U.S. counterparts in Nigeria to address joint challenges. With that in mind, we've been sharing information with the United States with the view of preventing any abuses of U.S. visas for the purpose of asylum, and that has had an impact in terms of the United States taking action.

In closing, I would like to state that we value the continued close collaboration among all those working to address the asylum issue both at home and abroad. We are committed to doing even more if and when opportunities arise.

[*Translation*]

Thanks very much, I look forward to answering your questions.

The Chair: Thank you, Mr. MacDonald.

We will continue with Mr. Tanguy, from the Department of Public Safety and Emergency Preparedness.

[*English*]

Mr. Patrick Tanguy (Assistant Deputy Minister, Government Operations Centre, Emergency Management and Programs Branch, Department of Public Safety and Emergency Preparedness): Thank you, Mr. Chair.

My name is Patrick Tanguy, I'm the Assistant Deputy Minister responsible for the Emergency Management and Programs Branch at the Department of Public Safety. I'm also responsible for the Government Operations Centre.

[*Translation*]

First of all, I want to give members an overview of the role of the Department of Public Safety and then discuss contingency planning.

Public Safety is responsible for providing leadership relating to emergency management in Canada and ensuring a coordinated response to events affecting the national interest, including terrorism as well as human-induced and natural disasters.

● (1110)

[*English*]

With regard to irregular migrations in particular, the government operations centre is the organization that coordinated the development of the national contingency plan, working closely with all federal partners, including Immigration, Refugees and Citizenship Canada, Canada Border Services Agency, as well as our RCMP colleagues.

In 2004, following a wide range of emergencies, the government operations centre was created by the Government of Canada in order to provide a centralized, stable, 24-7 facility to coordinate and support a whole-of-government response to these events.

As such, the government operations centre is the principal means by which the Minister of Public Safety exercises a leadership role in establishing an integrated federal approach to emergency response as mandated in the Emergency Management Act. The mandate of the government operations centre is to support coordination of events requiring a national response involving multiple federal departments or agencies when a single department or agency does not have the required capability, capacity, and jurisdiction to do so.

It is—and it's really important to focus on this—an interdepartmental response-focused asset. The government operations centre is a key asset working with all departments. The GOC is charged with the following functions: to provide definitive national-level situational awareness to partners and senior decision-makers; to provide 24-7 watch and early warning for the government; and, in support of partners' mandates, to ensure a whole-of-government response capability to ensure the efficient use of the Government of Canada's strategic assets and, when offered, provincial and territorial assets.

This is the key asset for the minister's and for the deputy minister's community to get the mechanisms and advice to support their direction.

[*Translation*]

During operations, the governance of the Government Operations Centre is in accordance with the Federal Emergency Response Plan, which is the Government of Canada's all-hazards response plan, designed to harmonize federal emergency response efforts with those of provinces, territories, non-governmental organizations, and the private sector.

This Plan outlines the processes and mechanisms to facilitate an integrated Government of Canada response to an emergency.

[*English*]

Now I'd like to say a few words about contingency planning. Following the 2017 influx of asylum seekers, Public Safety Canada, in collaboration with other government departments, began contingency planning for a possible increase in irregular migrations. This resulted in the development of the national strategic response plan.

The plan is based on lessons learned and best practices derived from last year's influx of asylum seekers. Lessons learned included the need for an early decision on contracting and financial authorities, the establishment of a governance structure, and the early identification of primary and supporting departments.

Public Safety has been working closely with IRCC, CBSA, and Public Services and Procurement Canada, as well as reaching out to NGOs in the private sector to develop interim lodging options to address the increasing number of asylum seekers at the border in Lacolle, Quebec. There is ongoing work among all federal partners and also Quebec and Ontario provincial officials to address interprovincial movement of asylum seekers in order to export solutions to regulate the interprovincial flow and provide alternative accommodation options.

Provincial and federal assistant deputy ministers have been meeting on a regular basis to discuss and review capacity and planning issues with their provincial and territorial colleagues. Public Safety Canada supports these discussions by ensuring that plans made at federal and provincial levels are integrated and well coordinated.

[*Translation*]

Responding to the rapid increase in asylum seekers has been a whole-of government effort with many federal departments, agencies and provinces involved. The leadership shown by all has permitted an efficient response to a fluid situation.

I will finish there and I'd be happy to answer any questions the committee may have.

● (1115)

[*English*]

The Chair: Thank you very much.

From the RCMP, Mr. Michaud, go ahead, please.

[*Translation*]

Deputy Commissioner Gilles Michaud (Deputy Commissioner, Federal Policing, Royal Canadian Mounted Police): Good morning Mr. Chair and honourable members of the committee.

Thank you for the invitation to speak to you today about the RCMP's efforts related to irregular migration at our shared border with the United States.

I'm the Deputy Commissioner responsible for Federal Policing, and with me is Superintendent Jamie Solesme, who's in charge of our Border Program.

The RCMP has the mandated responsibility for border security and enforcement between ports of entry.

[*English*]

Our primary objective is to prevent, detect, and disrupt cross-border criminality and any threats that may result in harm to Canada or Canadians. We work closely with the Canada Border Services Agency as one of our core federal counterparts as well as with U.S. partners including U.S. Customs and Border Protection.

Crossing the Canadian border without reporting at a port of entry is not permitted under Canadian law, and any person found committing this offence may be arrested. That being said, as per section 133 of the Immigration and Refugee Protection Act, if an individual is seeking asylum, no enforcement action should be taken against them related to their entry. This is in line with the United Nations Convention Relating to the Status of Refugees and its protocol, which clearly indicate that a person who enters a country irregularly in search of asylum should not be penalized.

RCMP officers are frequently the first point of contact for asylum seekers crossing at points of entry. When an individual is first encountered, their intentions are not known. It is the responsibility of our members to determine if they pose any risk to Canada.

[*Translation*]

To make such a determination, the RCMP conducts a preliminary risk assessment, which includes an interview, background checks and document review, to determine if there has been any known involvement in illegal activities or any connections to terrorism or organized crime.

[*English*]

Each case is individually assessed and the necessary time is taken to evaluate activities and confirm identity before determining the appropriate course of action. An asylum claimant is only released and transferred to the CBSA for processing once our members are satisfied there is no threat to Canadian interests.

As the committee is aware, there was a significant upturn in asylum claims last year, much of which came from individuals intercepted by the RCMP. In 2017, the RCMP intercepted 20,593 people crossing between ports, with 18,836 of these occurring near Roxham Road, in Quebec. Manitoba and British Columbia were also affected, but to a much lesser degree.

The upward trend has continued into the current calendar year, with a total of 5,052 intercepts between January and March. Again, the majority, 4,828, have occurred in Quebec, but intercepts also continue to occur in Manitoba and British Columbia.

As Canada's police force, the RCMP is present in every province and territory, which allows the force to adjust enforcement efforts with relative speed to ensure our focus is always targeted to the areas of greatest need. To respond, the number of resources allocated to the border has been enhanced, with a particular focus on Quebec as the province most impacted.

The cost to redeploy resources to impacted areas was absorbed in 2017 within our own budgets, with budget 2018 allocating approximately $10 million to the RCMP for fiscal year 2018-19. This funding is earmarked for border security and our enhanced presence at the border in support of our continued and effective response to the ongoing situation.

[*Translation*]

At present, the RCMP is monitoring the border on a 24-hour basis near Roxham Road with temporary infrastructure and the necessary facilities in place to allow for the orderly, timely and thorough assessment of each individual intercepted.

● (1120)

[*English*]

RCMP efforts and those of the CBSA have been highlighted by the United Nations Refugee Agency in its positive assessment of front-line operations at the border. The RCMP will continue to work in a collaborative and co-operative fashion with all partners to ensure an effective response.

Thank you for your attention. I am happy to take any questions you may have.

The Chair: Thank you very much.

Mr. Cloutier.

[*Translation*]

Mr. Jacques Cloutier (Vice-President, Operations Branch, Canada Border Services Agency): Thank you very much, Mr. Chairman.

My name is Jacques Cloutier and I'm the Vice-President of the Operations Branch at the Canada Border Services Agency.

[*English*]

As this committee is aware, border security and integrity is a shared mandate between the Canada Border Services Agency and the Royal Canadian Mounted Police, as Gilles just described. The CBSA is responsible for enforcing domestic legislation at designated ports, and we work closely with the RCMP, who are responsible for enforcing the law between the ports.

[*Translation*]

Likewise, preserving the integrity of the immigration system is a shared mandate between the CBSA and Immigration, Refugees and Citizenship Canada. Together, we administer the Immigration and Refugee Protection Act, which governs both the admissibility of people into Canada, and the identification, detention and removal of those deemed to be inadmissible under the Act.

[*English*]

Individuals seeking entry into Canada must meet certain admissibility requirements under our legislation. An individual may make an asylum claim at any designated CBSA port of entry, or inland or at an IRCC office, regardless of whether they entered at a designated port or not.

Last year, as you know, asylum claims rose by 110% compared to the previous year, resulting in a surge of refugee claimants across Canada. In response, the agency demonstrated its ability to address the emerging and fluid situation, while still maintaining its ongoing commitment to protect and to serve Canadians.

When a person makes a claim for refugee protection, the CBSA determines the admissibility of the individual and the eligibility of the claim under the act. This process notably includes an interview, the taking of fingerprints and photos, as well as performing security, criminal record, and health checks. No asylum seeker leaves the ports before a risk assessment is completed. In 2017, the agency processed a total of 22,140 asylum claims in Canada, at airports, land borders, and inland offices, which means this rigorous process which I described was repeated over 22,000 times and always done with professionalism.

[*Translation*]

And while we rose to the occasion last summer, we know that continual review and refinement of our processes and strategies, in collaboration with partners, is key to remaining responsive.

[*English*]

We have created and are now implementing a comprehensive national plan that includes human resources, infrastructure, and operational processing to address any influx of asylum seekers.

The national plan also includes a strategy to ensure that sufficient temporary accommodation is available while asylum seekers are undergoing their eligibility determination.

As the situation across the country differs in each region, the agency acts quickly to deploy resources when and where they are most needed. We work with partners to ensure maximum operational efficiency.

[*Translation*]

As part of our response, contingency plans include the establishment of a surge capacity workforce that can be redeployed to process influxes across the country. These plans rely on a layered approach that shifts from one phase to the next depending on volumes and port capacity; they are flexible and scalable.

[*English*]

To do this, the agency makes the most effective use of all available options and ensures a steady stream of trained officers is deployed to the regions of highest activity.

For example, between July 2017 and March 2018, just over 800 employees were reallocated temporarily to the Quebec-U.S. land border to assist their colleagues during this surge. Our officers are proud of the role they play in facilitating and protecting Canada's borders and are keen to provide assistance where and when it's required.

● (1125)

[*Translation*]

Officer mobility will continue to be an effective strategy for maintaining service integrity and safety and will ensure that resources are in place throughout the asylum claimants screening process to minimize risks to the health and safety of Canadians.

[*English*]

Mr. Chair, I will conclude by underscoring the confidence that we have in our border service officers who go above and beyond their responsibilities to ensure the safety of Canadians and the integrity of the border.

I would also like to thank our colleagues from Public Safety, RCMP, IRCC, and IRB for their outstanding professionalism and dedication to ensuring the protection of Canadians through the compassionate treatment of claimants, while respecting our legislation and international obligations.

[*Translation*]

I'd be happy to answer any questions the committee may have.

Thank you.

The Chair: Thank you very much.

[*English*]

Now we go to the Immigration and Refugee Board.

Ms. Miller.

Ms. Shereen Benzvy Miller (Deputy Chairperson, Refugee Protection Division, Immigration and Refugee Board): Thank you for inviting us to appear before your committee.

My name is Shereen Benzvy Miller, and I am the Deputy Chair of the Refugee Protection Division at the Immigration and Refugee Board. I'm here with Greg Kipling, who is the Director General of Policy, Planning and Corporate Affairs.

[*Translation*]

I appreciate the opportunity to update the members of this committee on the impact of the influx of refugee claimants at the border on the Immigration and Refugee Board as well as the steps we are taking to address this phenomenon going forward.

I think it is important to bear in mind that the Refugee Protection Division, the RPD, has been experiencing a substantially rising intake for quite some time. Referrals rose from 16,000 in 2015 to 23,000 in 2016, and then to about 47,000 in 2017, representing a significant growth intake over the last two years. And so far in 2018, we've received 12,600 claims, of which approximately 43% percent are from people who crossed into Canada between ports of entry.

Building on lessons learned from the measures we took last fall in response to the surge in refugee claims, we have been working with our Government of Canada partners to create a contingency plan. We want to be as prepared as possible in the event of another influx of refugees at the border.

[*English*]

To increase the overall output of quality refugee determination decision-making, we have taken several measures to be as strategic as possible with our approach to case management and the resources at our disposal.

We have expanded our use of the expedited process, which is a tool we use in specific circumstances to increase output, without sacrificing the robust checks and balances currently in place, including the proper security checks.

We are also making use of the short hearing process, which essentially tries to fit more hearings onto our hearing schedule by matching case complexity with the expected time needed for a hearing.

We've also altered our scheduling approach, by primarily scheduling our oldest cases first, as these cases are more hearing-ready than some of the newer ones, and we are generally seeing fewer postponements and, as a result, more cases being finalized.

We have also been able to take greater advantage of country specialization on the part of our members, which has shown to yield tremendous efficiency gains.

Our appeal division has also made several positive changes by increasing adjudicative support to its members and by working toward making use of much simpler and more streamlined forms.

Finally, last year in the absence of additional funding, the board reallocated internal resources to establish a focused legacy task force to hear the remaining pre-2012 claims still pending before the RPD.

These ongoing efforts are showing strong results. We've increased the number of refugee claims finalized by approximately 40% over this past year. At this time, the board projects to be able to finalize up to 2,500 refugee protection claims per month.

While these efforts have borne fruit, they were not sufficient to fully address the growing backlog, which has been increasing by an average of approximately 2,300 per month over the past year, amounting to 53,000 pending claims at the beginning of April.

● (1130)

[*Translation*]

As such, we are grateful to have received in Budget 2018 $74 million over the next two years to increase capacity at the RPD and the RAD, the Refugee Appeal Division.

The first priority will be staffing, which includes new decision-makers and support staff in the RPD, as well as in internal services. We plan on adding at least 50 decision-makers in the RPD, and 14 in the RAD, along with the required support staff.

We anticipate to have 58 appointed members by the summer for the RAD and up to 72 in the fall — a full complement. This will be the first time the RAD is ever at full complement.

[*English*]

What this means is that, with the funding over the next two years, we should be able to finalize more than 17,000 refugee protection claims and more than 3,000 refugee appeals by March 31, 2020, over and above what we are already funded to do. We are hard at work to make this happen.

Let me spend a moment on how we schedule and hear claims from individuals who have entered Canada between the ports of entry, as I know this is of specific concern to the committee at this time.

First, we feel that a balanced approach to scheduling and case management results in the most efficient processing of all claims. As I mentioned earlier, the RPD is predominantly focused on hearing its inventory in the order in which it was referred. This approach is flexible in its application, and we continue to make significant strategic case management decisions to ensure program efficiency and integrity.

Currently, this scheduling flexibility is most demonstrated in our eastern region where a significant portion of the inventory—approximately 60%—consists of those who have entered Canada between ports of entry. Because this intake is highly concentrated among several key countries, the caseload lends itself to the streamlining process. Currently, these claims make up 40% of the eastern region's finalizations, yet these claims are not necessarily among the region's oldest.

[*Translation*]

From an adjudicative perspective, at their core, these claims are like others before the RPD: each is heard on a case-by-case basis by an independent decision-maker. Each is afforded the same procedural rights as other claims. Each has appeal rights at the RAD. The fact that these individuals entered Canada between ports of entry makes very little difference from an adjudicative perspective. The caseload, however, as I mentioned before, does lend itself to realizing solid case processing efficiencies.

Of course, challenges remain. All of us — the federal government, the provinces, municipalities, law enforcement, lawyers, and advocacy groups — face the same difficulty in adequately predicting the scope and size of future migrations, and this uncertainty creates impediments for planning for future migrations.

[*English*]

Member recruitment is challenging and difficult. It is difficult to increase capacity on a dime. We have outstanding member vacancies both at the RPD and the RAD. These positions are highly specialized and require highly qualified and dedicated individuals. Once hired, there is extensive training involved before they can begin to take on a caseload.

Linked to the imperative of hiring new members, there are of course the inherent challenges of having only a two-year funding window. It can be difficult to attract talent if all you have to offer is a couple of years of employment.

We greatly appreciate the allocated funding. We will use it to increase our output of excellent administrative decision-making on refugee matters at both the first instance and the appeal level.

I hope this provides a helpful overview. I look forward to your questions.

The Chair: Thank you very much. On behalf of the committee, who will ask you questions, let me say that it's an impressive number of resources that are being brought to bear. Thank you for your public service.

Our questions will be the questions that come from Canadians through their parliamentarians. I always like to say that the questions begin with our ultimate respect for what you do, but we will ask hard questions to make sure Canadians' questions are being answered.

Mr. Sarai.

Mr. Randeep Sarai (Surrey Centre, Lib.): I first want to thank all of you for coming here. I think we all want to thank the IRCC, Public Safety, the RCMP, and the CBSA. Your conduct has been exemplary and has made Canadians extremely proud. You're being responsible and compassionate, while at the same time ensuring that the safety and integrity of our borders are maintained. I want to give you kudos for that. It's been a proud moment being Canadian and watching you do your exemplary service.

My first question, which may be for Mr. MacDonald, is with respect to the safe third country agreement. We've heard a lot said in recent weeks on the safe third country agreement, but there seemed to be a lot of confusion about what the agreement is, how it works, and how it could be changed.

Is the government in negotiations with the Americans on amending the safe third country agreement? Could you inform the committee of what this "proposal" is? We've heard it referenced in the media. What does that mean? Can you confirm that any changes to the safe third country agreement must be done in partnership with the U.S.? Lastly, can Canada expand the agreement to apply between ports of entry unilaterally?

● (1135)

Mr. Mike MacDonald: There's a lot there, so I'll try to parse it out as clearly and as best I can.

I think the best way to start the response is to say what the safe third country agreement is. It's a binational treaty. As a treaty, it's agreed upon by each country, and then there are mechanisms that countries use to put into effect the treaty.

The reason I bring that up is that no one can just independently go and change the safe third agreement, because it's a treaty. You need both parties to first agree to amend the treaty, then enter into a process of formal negotiations, and then move into a formalization process to put that input through domestic mechanisms.

In terms of our engagements that we've had with the Americans over the last...well, if you look at the period of when the irregular migration episode happened, but of course we have ongoing relationships and engagements with the United States.... When we look at the engagements we've had—and I've said this before—we have been in constant contact with the Americans about Roxham Road. We have been in contact with the Americans through our working groups and at our level in terms of asylum, the North American perimeter, and what's happening overall.

Part of these engagements has in fact incurred us sharing with the Americans what we feel are the challenges with the safe third agreement as it stands today. The key point here is that today is a more modern time than when the agreement was negotiated in 2004 and formalized. A 14-year gap has occurred. We've done this with the hope that one day we can have richer conversations with the Americans on asylum and on the perimeter, and safe third is but one part of that richer conversation.

Our American colleagues have been receptive to us in our conversation. They have not shared with us their views on what we feel are the challenges, so I cannot comment on what the Americans may feel the challenges are with the safe third. That has not occurred, but again, as has been said in the media and by ministers and parliamentarians, there are no formal negotiations occurring at this time, so as for where the scope of conversations can go into the future, I don't have any way to predict where that could or could not go.

Mr. Randeep Sarai: This is a very complex issue, and I'd like to pose a question perhaps more in simple terms. This is a question I hear again and again, particularly from my constituents and other British Columbians. I would like to have a clear explanation to take back to them.

Why can't Canada simply turn people away at the border? Why can't we bar them from entering? Also, why can't we prevent them from claiming asylum once they're in Canada? This is not to take away from our compassionate attitude but to illustrate the process we have in places that are not points of entry.

Mr. Mike MacDonald: I'll start off, and then perhaps other colleagues will want to jump in as per their mandates and their ministers' mandates.

In the simplest terms, there are two conventions that guide how Canada has created and operationalizes its asylum protection system. There are some fundamental principles within those conventions. We have due processes and a system in place in place that allow individuals to claim asylum, not be turned back, without risk of refoulement, and also to allow people to explain, before the country they're availing themselves of, why they're in need of protection or are in fear of persecution.

When it comes to an individual's border—and I'll ask Mr. Cloutier to speak more on that—we are living up to our international obligations, our humanitarian traditions, and our role in protecting people who are seeking protection. The concept of simply turning back someone from your border also has to include a very stiff assessment of where you are turning them back to, and if you are complicit in making that person's life worse off by turning them back at a border, especially when they're asking for your help. That's called claiming asylum.

● (1140)

The Chair: You have one minute left.

Mr. Randeep Sarai: I'll try to be quick on this.

My colleagues in the Conservative Party have laid out a serious proposal that all 9,000 kilometres of our border be designated as an official border crossing. This question is to the CBSA. Can you comment on whether this is feasible? Can we do this unilaterally, without the U.S. support or approval on this? Also, what kinds of resources would we need to have such a proposal enacted?

Mr. Jacques Cloutier: It's a question that brings with it a lot of complexity, beginning with the fact that you would have to deal with property rights. We don't own outright the entire lands along the border. You would have to consult with the International Boundary Commission. You would have to engage the U.S. to see what the impact would be for them. Right now our ports are immediately opposite U.S. ports, so there would be difficulties.

The Chair: I'm afraid I need to cut you off there. I suspect this will come back.

Ms. Rempel, you have seven minutes.

Hon. Michelle Rempel (Calgary Nose Hill, CPC): Thank you.

Mr. MacDonald, you said that your discussions with the Americans had resulted in us sharing challenges regarding the safe third country agreement. Can you please table with the committee the list of challenges you've expressed to the United States?

Mr. Mike MacDonald: I will take that back to the department and look into that very question.

Hon. Michelle Rempel: Will you table that with the committee?

Mr. Mike MacDonald: I'm happy to do that.

Hon. Michelle Rempel: Will you table that list of challenges?

Mr. Mike MacDonald: I will take that back to the department and seek that—

Hon. Michelle Rempel: I need a "yes" or "no". Otherwise, what are the challenges you've expressed to the Americans?

Mr. Mike MacDonald: I can briefly outline them verbally if you'd like.

Hon. Michelle Rempel: Sure. Quickly.

Mr. Mike MacDonald: There are essentially three main challenges that we feel exist with the STCA in the current environment. One, it's 14 years old. Two, it doesn't reflect the modern technologies we have at our availability to assess and identify individuals, in other words, biometrics. We can exceed this concept of "line of sight" at the port of entry by simple biometrics checks. Three, there is the absolute principle that it relies on the actual agreement, which is that you avail yourself to protection in the first country where you can.

Hon. Michelle Rempel: Thank you.

When did this expression of concerns with American officials occur?

Mr. Mike MacDonald: Do you mean at the working level?

Hon. Michelle Rempel: Yes.

Mr. Mike MacDonald: We've been in discussions for several months with the Americans.

Hon. Michelle Rempel: Was that at the direction of the minister, or was the minister aware of those conversations?

Mr. Mike MacDonald: We did not enter exchanges with the U.S. at the direction of the minister, though we made sure the government was always comfortable with how we working at the working level.

Hon. Michelle Rempel: Can you please table any documentation or conversations with this committee via PIN, text message, email, or otherwise that you've had with the minister's department regarding your conversations on this with the Americans?

Mr. Mike MacDonald: Again, Chair, we will take that under advisement and go back to the department to determine that.

Hon. Michelle Rempel: Thank you.

Can you also please table with this committee the list of meetings that Canadian department officials have had with American officials within the last two years regarding the Canada–United States safe third country agreement?

Mr. Mike MacDonald: Yes, Chair, we will take that back, as well.

Hon. Michelle Rempel: Thank you.

Ms. Benzvy Miller, have you ever informed or implied to IRB staff, verbally or in writing, that their performance will be measured based on the number of cases they complete within a set period of time?

Ms. Shereen Benzvy Miller: As you know, Mr. Chair, the members for the refugee protection division are public servants. The members of the refugee appeal division are GI appointments. Public servants are always measured for performance. There are performance discussions with public servants at the beginning of a year, throughout the year, and at the end of the year—

Hon. Michelle Rempel: Just to be clear, I'm asking, are there quotas or targets for number of cases?

Ms. Shereen Benzvy Miller: There are always performance metrics discussed with public servants around their work.

Hon. Michelle Rempel: Can you please table with the committee what the quotas or targets are, either in writing or that you've implied verbally, for any of the IRB staff with regard to case processing?

Ms. Shereen Benzvy Miller: Case processing being finalizations?

Hon. Michelle Rempel: Yes.

Ms. Shereen Benzvy Miller: Finalizations for members of the refugee protection division should be in and around 120 per year.

Hon. Michelle Rempel: Okay. Thank you.

When was the decision made to set that quota?

● (1145)

Ms. Shereen Benzvy Miller: These targets are always set at the beginning of the year. We entered into a discussion with the members mid last year to figure out what we would do this year, and it was set as a result of those discussions.

Hon. Michelle Rempel: Thank you.

With regard to decisions made by the Immigration Refugee Board under the new expedited process since January 1, 2017, can you please table with the committee how many of the finalized cases were accepted, rejected, and appealed, and can you also break this down by country of origin?

Ms. Shereen Benzvy Miller: Just for expedited countries?

Hon. Michelle Rempel: Correct.

Ms. Shereen Benzvy Miller: I can table that. Sure.

Hon. Michelle Rempel: Thank you.

With regard to the decisions made by the short hearing process instituted in March 2017, can you table with the committee how many cases have been decided using this process; how many of the finalized cases were accepted and rejected, broken down by country of origin; and a detailed explanation for the criteria being used to determine when the short hearing process is to be used?

Ms. Shereen Benzvy Miller: Yes.

Short hearing processes are related to the complexity of the case and whether or not we need to schedule—

Hon. Michelle Rempel: Can you please table that information with committee?

Ms. Shereen Benzvy Miller: Absolutely.

Hon. Michelle Rempel: Thank you.

Who requested that the short hearing process be instituted, the head of the IRB or the Minister of Immigration?

Ms. Shereen Benzvy Miller: All processes are determined within the IRB. We do not take direction for the process that deals with case decision-making from anybody outside the IRB. It's in the purview of the [*Inaudible-Editor*].

Hon. Michelle Rempel: So, to be clear, the minister has not given direction to institute the short hearing process.

Ms. Shereen Benzvy Miller: Absolutely not.

Hon. Michelle Rempel: Has the IRB chair given decision.... Sorry. I've asked this already.

Do you have any plans to add or remove countries from the expedited processing list?

Ms. Shereen Benzvy Miller: The expedited processing policy is a policy around how we can deal with some cases. We can look at them first as a paper review rather than a full hearing.

Hon. Michelle Rempel: There's a current list of countries that are on that list.

Ms. Shereen Benzvy Miller: There is a current list of countries.

Hon. Michelle Rempel: Do you have any plans to remove any countries from that list?

Ms. Shereen Benzvy Miller: No, it's not a question of planning. If I could just take a moment to explain what that list is....

Hon. Michelle Rempel: I only have two minutes. I'll take it—

Ms. Shereen Benzvy Miller: I understand, but the list—

Hon. Michelle Rempel: I'll take it at that.

Just with regard to the number of projected illegal border crossers —or sorry, I'll say people who are entering the country, so that you'll actually answer my question—at non-official points of entry, how many are we projecting this year if there aren't changes to the safe third country agreement would be entering Canada through a non-official point of entry and then claiming asylum? I can take the answer from any one of your departments. Do we have a projection?

Mr. Mike MacDonald: Mr. Chair, it's actually impossible to project because you can't determine what is driving people who are seeking protection, but our operating assumption is the same as last year.

Hon. Michelle Rempel: Okay. Thank you.

Mr. MacDonald, you put a great deal of information in your remarks about the ad hoc intergovernmental task force on irregular migration. Can you please table with this committee all meeting minutes, transcripts, and briefing documents for ministers related to the ad hoc intergovernmental task force on irregular migration?

Mr. Mike MacDonald: Mr. Chair, I'm afraid our department can't. It's under the auspices of the Privy Council Office, that is, the secretariat, so I think it's a question that the Privy Council Office could take on.

Hon. Michelle Rempel: Excellent. Would you direct that question to the Privy Council and ask them to table any non-classified materials for this—

Mr. Mike MacDonald: Our department will, indeed.

Hon. Michelle Rempel: —given that that's the key talking point that the government's using for their response?

Mr. Mike MacDonald: Our department will, indeed.

Hon. Michelle Rempel: Mr. Cloutier, with regard to the surge capacity workforce that you mentioned in your minutes, can you please table with the committee all documents related to the establishment of the workforce, including any plans to reallocate staff from other lines of service, as well as the scope of the workforce plan?

Mr. Jacques Cloutier: We will, indeed, to the extent that we're not compromising operational [*Inaudible-Editor*].

Hon. Michelle Rempel: Thank you.

The Chair: I'm afraid I need to end there.

Ms. Kwan, for seven minutes.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you, Mr. Chair. I would like to thank all the officials as well—in particular those who are actually on the front lines, if you will, doing an excellent job. I want to express my appreciation to them for that through you.

First I would like to ask you, Mr. MacDonald, whether you can confirm that officials at your department have asked the U.S. Department of Homeland Security officials to amend the safe third country agreement to apply it to the entire Canadian border in an unofficial capacity.

Mr. Mike MacDonald: Mr. Chair, again, we have not asked the United States to amend. It's a treaty. What we've done is express to them our concerns with the outdated treaty. We have demonstrated to them our list, which I described, of challenges. This is a start of a conversation, should they wish to pick up that conversation.

Ms. Jenny Kwan: Okay, then let me say this.

I understand that in an unofficial capacity you're not talking about amending, but have you expressed an interest for Canada to see that mechanism or approach taken: to apply the safe third country agreement to the entire border?

● (1150)

Mr. Mike MacDonald: I'm trying to be helpful, Mr. Chair. Again, we have had conversations with the Americans at the working level; we've expressed our concerns and our challenges. We have not gone into what an end state could be, should we ever go into a formal negotiation. It would not be prudent to try to dictate where a negotiation might go, should there ever be one.

The answer, then, is no, we have not tried to foreshadow or predict the future.

Ms. Jenny Kwan: Your request to the United States that Canada be able to turn back asylum seekers who come through unofficial border entries has been made; is that not correct? You have explored the idea of how Canada can turn back asylum seekers who enter into Canada through unofficial ports of entry.

Mr. Mike MacDonald: Again, Chair, we have expressed our concerns and shared our concerns around the challenges of the way the current agreement is operating in today's context.

Ms. Jenny Kwan: Thank you. I will, then, wait for the Tabletalk documents to see what those concerns are and how they are being expressed, because clearly I'm not going to get an answer on this.

All right, I would like to then ask this question.

Article 10 of the safe third country agreement, paragraph 3 reads:

> Either Party may, upon written notice to the other Party, suspend for a period of up to three months application of this Agreement.

For the temporary suspension we can just give notice; is that correct?

Mr. Mike MacDonald: That's correct. That is how the article reads.

Ms. Jenny Kwan: Has that been expressed by the government to the U.S. officials?

Mr. Mike MacDonald: We have not expressed a desire to invoke article 10.

Ms. Jenny Kwan: No.

In the discussion you've had with the U.S. officials about the safe third country agreement, then, what other items might you have brought up? Can you table that information with the committee?

Mr. Mike MacDonald: Chair, I believe that's the same question the other honourable member had. I described the two or three main concerns that we have. That is what we have shared with the Americans.

Ms. Jenny Kwan: Okay.

My next question is to the RCMP representatives.

You mentioned that while the vast majority of the irregular crossings are coming through Quebec, they are happening in Manitoba and B.C. as well, as we know.

Can you give us the numbers of the interceptions that have taken place in B.C. and in Manitoba, please?

D/Commr Gilles Michaud: Yes.

Is that for this year or last year?

Ms. Jenny Kwan: It's for both years.

D/Commr Gilles Michaud: I have the number for last year, which in Manitoba was 1,018 and in British Columbia was 718. Unfortunately, I don't have the numbers with me for this year.

Ms. Jenny Kwan: If you could table them with the committee, it would be appreciated.

My question, then, is to the representatives from CBSA. You were cut off on the idea.... If, for example, the idea were to apply the safe third country agreement to the entire border of Canada, how feasible would that be? Can it be enforced? If it can be enforced, what kinds of resources would you actually need?

Mr. Jacques Cloutier: We're talking, are we, about declaring the entire border a port?

Ms. Jenny Kwan: That's correct.

Mr. Jacques Cloutier: Okay.

In addition to what I said earlier, the complexity around doing this is that while the minister has the authority to declare a customs area, he does not have the authority to expand the customs controlled area indefinitely.

We would also need, if we did that, to be able to offer the full range of services—all customs and immigration services—all along the border. Anybody could cross anywhere they wanted and expect to get the full range of services.

In addition to that, the complexity for us is that you're essentially removing the RCMP from the role they are performing now.

My view is that all of these conditions would likely make this more complicated and more dangerous for asylum seekers.

Ms. Jenny Kwan: Right. For individuals who cross over irregularly, per section 133 of IRPA, at the moment, it is deemed they are not committing an offence. We have established that. From that perspective, isn't it the case that, when individuals come over and you've gone through the screening to declare there are no issues of criminality, those individuals are not committing an offence? Can I just get that confirmed on the public record, please, from the RCMP and also from CBSA?

● (1155)

D/Commr Gilles Michaud: Yes. In fact, it's not that they're not committing an offence; it's that we cannot take any actions with respect to these individuals until the asylum claimant process is completed.

Ms. Jenny Kwan: Section 133 of the act specifically states they're not committing an offence under various sections of the Criminal Code. Are you telling me that the IRPA is incorrect?

D/Commr Gilles Michaud: No. What I'm saying is that my interpretation of IRPA is that they are committing an offence under the Customs Act, but under section 133 of IRPA, we cannot take any actions with respect to that offence until the full asylum process is completed.

Ms. Jenny Kwan: Upon completion of the asylu.n process, and if they have a valid claim, then it is deemed they are not committing an offence. Are you saying it's those, then, who are rejected who are committing an offence?

Mr. Jacques Cloutier: If I may, I would offer this. Under the Customs Act, you have to present to the nearest customs office, and Gilles is right in his characterization of it. For the purpose of an asylum claim, the manner in which you got to Canada is totally irrelevant. In the context of failed refugee claimants, what would apply is the conditional removal order they are issued when they make their claim until the process is resolved.

The Chair: I'm afraid I have to end there. I was listening to the answers and I gave an extra minute. Sorry to the other committee members. The answers were very helpful, I think, to all committee members.

Mr. Whalen.

Mr. Nick Whalen (St. John's East, Lib.): Thank you, Mr. Chair. They were very good questions.

Ms. Benzvy Miller, earlier you were trying to explain to us how the expedited process works. I don't mind quotas. I think the employees and the adjudicators at the department need to be appropriately managed. Setting targets is a great way. There are probably a lot of government departments that could do more of that. If you could explain to us how the expedited process works, how that allows for streamlining of applications, I think it would be helpful to the committee.

Ms. Shereen Benzvy Miller: I think everybody understands intuitively that not all claimants' claims are as complicated as others. There are varying degrees of complexity in the claims we receive, even in the number of claimants that are in associated claims, for example. Also, some people come with multiple nationalities. Some people come having been in different countries, where persecution has happened in countries other than the first country or their country of birth. Depending on the complexity of cases, it does impact the amount of time it takes. Because we do individual assessments of claimants and their stories, it does take a different amount of time, which is why we have longer hearing opportunities or shorter hearing opportunities. By the way, even if we schedule something for a short hearing, if it does go over, then it will be rescheduled for another one. These are triage mechanisms to allow for efficiency. You can imagine if we block three hours of time for a member, but it only takes an hour or an hour and a half to hear the claim, then it's an hour and a half of dead time, where they might have actually scheduled another hearing if we had done two short hearings in their morning. In an effort to be as efficient as possible, we do a triage of what the claims require as attention.

The expedited process is an interesting one because it's a paper review. Currently, we have eight countries that are listed for expedited hearings: Afghanistan, Burundi, Egypt, Eritrea, Iraq, Syria, Turkey, and Yemen. It's a backward-looking assessment really. We look at the caseload, and when we have an over-85% acceptance rate for a country then we allow members to look at those cases as a paper review first. Eritrea is an example. When you look at that country, you see that 85% of the time the persecution is found to be future-looking and it is a case where the person does require asylum or refugee status. Now if the member, in looking at it, thinks the complexity is too great, they will schedule a hearing. Even though it's been on the expedited potential list, they will schedule it for a hearing.

These are just triage mechanisms for us, to allow us to be as efficient as possible.

Mr. Nick Whalen: This expedited list doesn't compromise the effectiveness or the rule of law component, the fairness of the proceedings? It's just a triage tool?

Ms. Shereen Benzvy Miller: That's a very good way of putting it. Please remember every claim that comes before the board gets the full attention of an independent member who looks at the claim in its full force and applies all aspects of the law to it. These triage mechanisms are enabling mechanisms for them to distinguish between the complexity of various cases.

● (1200)

Mr. Nick Whalen: Thank you very much.

I'm sorry I don't have many questions for the law enforcement officials who have come to us today. We have confidence you're doing excellent work, and that Canadians are safe.

I'm more interested in some of the lines of questioning brought by the opposition members, particularly around the third challenge that was raised by Mr. MacDonald, that at the working level the Americans have been notified that Canada has a concern with. This is around seeking the requirement for an asylum seeker to seek asylum in the first safe country where they arrive.

If that rule was in our agreement, what would be the net impact on an asylum seeker in Canada who came irregularly from the U.S.? Would there be an ability for us then to render them back to the U.S. immediately? Would they still be entitled to an IRB hearing that would count against their asylum claim? How would that concern play out practically in the minds of a Canadian trying to figure out how this affects the regular migration across the border?

Mr. Mike MacDonald: I think the best way to answer that is to simply state that Canada and the United States, through the treaty, have agreed that it's best if people seek refuge and explain why they need protection in the first available country, as long as that country has a robust asylum system, is a safe place, and so on. We have mechanisms to verify that against each country, and we've done that, to keep the agreement current.

Then you get into the second area of your questions, which is the concept of turning back. Canada would be contravening its obligations on the international scene with conventions against torture and refugee convention by turning someone back who sticks up their hand when they cross the border and says they're in need of protection.

This is a two-part response, but those are the main fundamental areas around this concept of turning back.

Mr. Nick Whalen: What is the practical implication of negotiating a change to the safe third country agreement where there would be some type of a formal requirement that applicants seek asylum in the first country? What would be the impact on someone who didn't?

Mr. Mike MacDonald: I will answer very quickly, and then you can move to my colleague Mr. Cloutier.

Under the concept of turning someone back under the agreement, there has to be someone on the other side to safely and securely receive the individual. That's a border complexity and a cross by national operational issue, which Mr. Cloutier can answer.

Mr. Jacques Cloutier: I think what you're asking me is if we were to extend the safe third country agreement so it included in between the ports. Is that the question?

Mr. Nick Whalen: No. It's more if it included the concept as the concern expressed by Mr. MacDonald that a more formal requirement within the agreement that each individual seek asylum in the first country where they arrive, if they irregularly cross between Canada and the United States. I'm not asking you to take control of that. The RCMP would still have jurisdiction. Once they are turned over to you then this would be a factor in considering whether or not you would engage with the Americans.

Mr. Jacques Cloutier: In answer to your question, I think it's important to understand that the safe third country agreement also has exemptions. You can come to a legitimate port of entry, and under one of several exemptions, make your claim there, and your claim will be heard. When I say will be heard, I should qualify that. A decision will be made on whether or not the claim is eligible. If it is, eventually it will be heard by the board.

In answer to the question how would we turn people back and send them to the States, I think it would fly in the face of all our international obligations, and the values we've put forward. Might is right. If we wanted to implement something like that, it would have to be done operationally hand and glove with our U.S. counterparts, but it would be, on the face of it, a strong departure from an established rule.

The Chair: Thank you.

Mr. Nick Whalen: Can I have an extra minute?

The Chair: You've actually had your extra minute. We'll come back to you.

I'm going to give—

Hon. Michelle Rempel: I'll get an extra—

The Chair: You'll get an extra almost minute, Ms. Rempel and Mr. Maguire.

Hon. Michelle Rempel: Oh, wonderful. Thank you.

For the month of April 2018, how many people entered Canada through a non-official point of entry and claimed asylum? Can you table that with the committee, or do you know?

● (1205)

Mr. Mike MacDonald: It might be easier. I have a lot of data.

Hon. Michelle Rempel: When can you get that to us? I would not like that in September, so if you have it right now, that would be great.

Mr. Mike MacDonald: I can look right now.

Hon. Michelle Rempel: Wonderful. If you want to get back to us, I'll keep asking questions with my time.

Mr. Cloutier, you stated in your remarks that over 800 employees were reallocated temporarily to the U.S.-Quebec land border to assist their colleagues during the surge. Can you please table with the committee from where and what service lines those employees were reallocated, from what locations they were reallocated, and any additional training they received, if any, to respond to this?

Mr. Jacques Cloutier: Absolutely.

Hon. Michelle Rempel: Thank you very much.

With regard to the biometrics program—and this is for the CBSA—CBSA employees have indicated problems with educating and engaging front-line officers on when and how to use the live-scan devices to enrol individuals in the biometrics program. In fact, it's estimated that as many as 10,000 sets of fingerprints are currently in a "holding tank" in the global case management system because they are not linked to any individuals. Is this correct?

Mr. Jacques Cloutier: I'm not aware of the information that you just raised. I would be happy to follow up on this, and I would be happy to respond.

Hon. Michelle Rempel: Thank you. Just to be clear, can you please table with the committee the total number of fingerprints that are in the global case management system that are not linked to any individual?

Mr. Jacques Cloutier: If that is the case, I will, indeed.

Hon. Michelle Rempel: Thank you.

Also to the CBSA, regarding immigration information sharing and CBSA's role in visa decisions, I have been informed that IIS information that relates to a case is deleted if it is received after a decision on the visa application has been rendered. As far as I understand, if we receive information from an ally that an individual is at risk, that information is not retained within the GCMS or CPIC for front-line border officers to use. Is that correct?

Mr. Jacques Cloutier: Again, respectfully, I don't know what your sources are. I understand that's information that's been shared with you. I do not have that information, so—

Hon. Michelle Rempel: Could you please table with committee whether or not that assertion is correct?

Mr. Jacques Cloutier: I would have to do the analysis based on the information you just shared.

Hon. Michelle Rempel: Thank you.

Mr. MacDonald, do you have that number?

Mr. Mike MacDonald: No, I do not. We'll table it with the committee with all the other questions.

Hon. Michelle Rempel: When?

Mr. Mike MacDonald: In the fullness of time.

Hon. Michelle Rempel: That's not fair. This is of immediate concern.

Mr. David Tilson (Dufferin—Caledon, CPC): He doesn't have it here.

Hon. Michelle Rempel: How many people came in in April? It's May.

Mr. Mike MacDonald: Chair, we will continue to provide the information—

Hon. Michelle Rempel: This is a parliamentary committee. How do you not have that information? You're sitting here on a briefing. How many people came in in April? How do you not have that information in front of a parliamentary committee?

The Chair: I would just remind all the members that they may request documents from any witness. However, it's not a formal request being made by the committee. The member will have an opportunity, if they would like, to make a motion to request documents.

Hon. Michelle Rempel: Mr. Chair, since I have the floor, I would like to move:

> That the Department of Citizenship and Immigration table with the Committee, before the end of this week, the number of asylum claimants that were made by people entering Canada through non-official points of entry in the month of April 2018.

The Chair: There is a motion on the floor. Is it allowable, if it's in her time, without notice?

The Clerk of the Committee (Ms. Evelyn Lukyniuk): It is if it's relevant to the subject.

The Chair: It is relevant to the subject.

Is there any discussion on this motion?

Mr. Nick Whalen: I just have a question. It's already Thursday. Does she mean tomorrow or by next week?

Hon. Michelle Rempel: Yes, I mean tomorrow.

Mr. Chair, I'm sorry. Just to clarify, surely, out of respect to my colleagues, we have department officials here...I'm finding out these numbers through the media. We have department officials here to brief us on this. Surely this was a question they should have expected, given that we've asked it every single time they've come here. I think they should be able, with the thousands and legions of staff they have, to pull that number together by tomorrow. They should have had it today.

The Chair: Ms. Alleslev.

Ms. Leona Alleslev (Aurora—Oak Ridges—Richmond Hill, Lib.): I'm not sure about procedure. Are we allowed to ask the witnesses to give us some idea of what goes into providing those numbers, and whether they have that information, and how long they think it might take to get that information, Mr. Chair?

The Chair: I would actually say no. We now have a motion on the floor, which I think the committee members would speak to.

Ms. Leona Alleslev: It would inform the debate.

The Chair: Amendments are allowed and discussion is allowed.

Did you have your hand up first, Mr. Anandasangaree?

● (1210)

Hon. Michelle Rempel: You've already seen me first.

The Chair: Oh, Ms. Rempel.

Hon. Michelle Rempel: Thank you.

With respect, it does not instill confidence in the Canadian public that the officials who are the most senior in our government, sitting in front of our committee, in front of a table full of parliamentarians, for a briefing specifically on so-called irregular border crossings, would not have the number for April. It concerns me as a parliamentarian that you cannot tell parliamentarians, at a briefing about illegal border crossers, the number of people who have come across in April.

You have told me that you can't forecast people. Now you have told me that you don't know how many people came in.

Mr. Chair, I find this highly exasperating, and I think that if the motion on this is not moved to have it report tomorrow, there is a risk that the Canadian public will say, "What are they doing there? They can't even tell a parliamentary committee how many people came in in April?"

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Mr. Chair, this is the third day of May. Let's keep that in perspective. I completely agree with Ms. Rempel that this information should be available and submitted to committee. I just think by tomorrow is a bit much. I would suggest that we maybe add another a week to it, by next Friday.

The Chair: Would you like to make an amendment?

Mr. Gary Anandasangaree: I make an amendment to have the document submitted by next Friday, which I believe is May 11.

The Chair: There's a motion to amend the motion on the floor, that we would receive April 2018 statistics by May 11.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I wonder if I can propose a friendly suggestion to this amendment. I'd like to suggest perhaps "at the very latest by May 11", so then if staff are able to produce those documents earlier than that day, the committee members would welcome that.

I would like to make that suggestion, Mr. Chair.

The Chair: I think that was implied.

Mr. Gary Anandasangaree: May I just suggest that specific breakdown by province as well, as was requested prior. So, that's not just the quantum, but also by province.

The Chair: We have an amendment to the motion on the floor which would be to amend it to "by May 11 or earlier if possible".

Ms. Kwan, did you want to vote on that?

All those in favour of the amendment to extend it up to May 11?

(Amendment agreed to)

(Motion as amended agreed to [See *Minutes of Proceedings*])

The Chair: I just need to consult with my clerk for one moment.

Hon. Michelle Rempel: Mr. Chair, I would also like to move:

> That the Department of Citizenship and Immigration table with the Committee, for the remainder of this year, the previous month's number of people entering Canada, through non-official points of entry who claim asylum, not later than the 5th of the month succeeding the data.

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree: Mr. Chair, I would suggest a friendly amendment to that to say, "on or before the 11th of the month".

I just feel, from an operational point of view, that gathering information and compiling it and presenting it is not that easy, and I think while they may have the information, they will need the time to put it out there.

I'm going to suggest an additional few days.

A voice: Sure.

The Chair: I am just going to take one moment on this one. Unusually, we have the operational people present who are being requested to do something our committee is asking, and I don't think it would be unusual to ask the operational people about the doability of this possibility.

I know that I already said no. But I just think that because you're here, we're now into something that would require activity. We don't want to set our committee up for failure and not getting something we want. Obviously the committee wants information.

Could you just advise the committee for a moment on the doability of this request?

● (1215)

Mr. Mike MacDonald: I can do three things, Chair. First, I'd like to apologize for not quickly finding the data that was asked of me in all of my information. I carry the burden of that mistake. However, I will say that from April 1 to April 23, we have 1,972 interceptions across all of Canada, not just Quebec.

When I look at Quebec specifically from a different data period, which is April 1 to April 26, that number goes up every day, and that number in Quebec is 2,142. So April overall will land somewhere around 2,500 or so, but we can provide the exact number.

In terms of the feasibility of that, the data is originally hand-counted. When an interception occurs, it takes time to verify those numbers, deconflict numbers, put it into our GCMS system and then pull those numbers out. So yes, we do need a bit of time operationally to give the most accurate data after the first of each month. We can always give data a few days after the first of each month, but it will be imperfect. There will be mistakes made in hand-counting and there will be mistakes made in deconflicting, so we like to clarify and clean our data as much as possible.

The Chair: Would you want to give us a good suggestion on how many working days after an end of a month would be the most reasonable to get the least imperfect data available? We're not necessarily going to give you that time, but if you wanted to give us a suggestion, the committee may entertain that.

Mr. Mike MacDonald: I think a two-week window after the first of each month is very beneficial to us. Should we be asked to do that in less time? Absolutely, Chair. We will provide data with caveats at any point in time that it's asked of us.

The Chair: I understand right now it is published online about the 15th of the month.

Mr. Mike MacDonald: It is. We can bring that forward.

The Chair: Bring it forward to...?

Mr. Mike MacDonald: We can bring that forward. The day 11 was noted here. We will meet that if are asked to meet that.

The Chair: Okay. That would not be considered an unreasonable request? You've got five days after, and we had some question about whether it should be longer than that. We'll work that out.

I've got Ms. Rempel, then Ms. Kwan, and then Mr. Maguire.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I was just going to say the official numbers actually come out around the middle of the month. If committee members wish to obtain those numbers at an earlier time, with the understanding that they have not been cross-checked—I think the numbers might flex a little bit.... If we accept that as a premise and if we wish to receive those numbers at an earlier time, I think that we can proceed accordingly and move forward with the rest of the committee business, such as having committee members ask important questions, because time is fast running out, Mr. Chair.

The Chair: I just want to check to see whether there's an amendment that someone wanted to make or whether we're leaving it at the fifth of the month.

Ms. Alleslev is next on the list.

Ms. Leona Alleslev: I would like to make an amendment that it stay, at the time when they publish it, "no later than the 15th of the month", because I think that there's a significant risk in publishing, or even committee members having, information that is not relevant and not accurate and there is a sensitivity around this. I think that if it is "no later than the 15th of the month" when they publish it—

The Chair: That is an amendment.

Now we are going to speak to the amendment.

The list changes. I've got Ms. Rempel on the amendment, which is "no later than the 15th of the month".

Hon. Michelle Rempel: This is arguably one of the top public policy concerns facing our country right now. Our job as parliamentarians is to assess the adequacy of policies that are in place to address one of the top public policy concerns in our country right now. It is difficult to do that without data or finding data well behind the things. The assertion that somehow it would be a risk for parliamentarians to be working with the same data that the officials have, Mr. Chair, I actually find an affront to democracy. When the minister stands up in the House and says "we've spent all this money" or "we've got this task force", yet we have no data, I can't get the minutes of meetings, and I can't do anything, then how am I supposed to do my job? The reality is that if they're not getting this data fast enough, then the government needs to be pushing them to do something better because if we're not understanding the problem, how can we even fix it? How can you go to the Americans and negotiate? I just find this whole premise ridiculous. We should be receiving this information, imperfect or whatnot, as soon as we can so that we can.... This is my file. This is what I've been tasked with as the official opposition and I don't have the data to be able to do this. It's ridiculous.

● (1220)

The Chair: I had Mr. Whalen's hand up.

Did you want to speak on the amendment, which is "no later than the 15th of the month"?

Mr. Nick Whalen: I'll leave it.

The Chair: Is there any other discussion?

Mr. Maguire.

Mr. Larry Maguire (Brandon—Souris, CPC): I just want to put on the record that I believe that there should be a tally. I'm sure the government receives a tally of these people every night or every day. We've now received, on the 3rd of the month, indications of exactly what that number is within four days of the end of the month.

It just seems a bit...I wouldn't say ironic, it's that I'm very sure there is a number that could be available every day. As you move toward the end of the month, it's very easily done to tally the whole number that should be there by the second day of that month. I mean, if it isn't, we need to ask our officials to realign their processes so that they can. This is a very important situation in our country at this moment.

The Chair: Ms. Rempel.

Hon. Michelle Rempel: Mr. Chair, surely the department is briefing the minister and various other ministers. Surely they're looking at the efficacy of policy. This data is informing whether or not things are working.

Again, for my colleague to make the assertion that somehow it's a risk if parliamentarians have this is ridiculous. Why even bother coming to work every day at this point? I have ministers standing up in the House of Commons, the Prime Minister, saying divisive politics and fearmongering, and blah, blah, blah. Then when we ask for data, it's like, "No, sorry. Can't do that."

Why can't we have this at the beginning of the month on the front end, so we can assess policy decisions? I strongly disagree with this. You're saying that parliamentarians who are trying to evaluate and make policy shouldn't have access to the key metric, at the beginning of a month, on whether or not stuff is working.

The Chair: Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I think it's reasonable to ask officials to provide these numbers within a week, with the caveat that there might be fluctuations with those numbers because of the cross-tab checking. If we understand and accept that as the premise, I think it's reasonable to get that information. Of course, you can verify those numbers when they become official on the public record in mid-month.

I wonder if we can just get on with it, instead of arguing about this, Mr. Chair. I will not support the amendment, and I will support the original motion, with this understanding.

The Chair: Okay, we have an amendment on the floor.

I just want to clarify for the committee something that Mr. Maguire said.

What I heard was that we had numbers for up to April 23 available today that are complete, and we had up to April 26, which were partial for Quebec. We are on the third of the month, so we have—in a 10-day window, between the 23rd and today—complete numbers now. We have almost complete numbers in a seven-day window.

I think that's what you told the committee.

Mr. Mike MacDonald: Yes.

The Chair: Because we didn't have full numbers until the end of April, I wanted to clarify to make sure that wasn't being misunderstood.

We have an amendment on the floor now to change it to the 15th —

Ms. Leona Alleslev: No later.

The Chair: "no later than the 15th of the month"

(Amendment agreed to)

The Chair: Now, on the motion itself as amended.

Hon. Michelle Rempel: Mr. Chair, on a point of clarification, would the members opposite say that this is increasing the transparency of government, and openness, hope, and real change?

The Chair: Ms. Rempel, would you like to speak to the motion?

Hon. Michelle Rempel: I'm fine.

The Chair: Okay.

(Motion as amended agreed to [See *Minutes of Proceedings*])

The Chair: I'm going to take a brief pause while I assess the speakers order.

Mr. Maguire will continue, and you have about three minutes.

● (1225)

Mr. Larry Maguire: Thank you, Mr. Chair. I appreciate that.

Mr. Cloutier, about seven months ago, I asked for the number of individuals who have been issued a deportation order by the CBSA, and I haven't seen the number yet. I wonder if that's available.

Mr. Jacques Cloutier: Sorry, I'm surprised. I was under the understanding that all of those numbers had been provided to the committee.

Mr. Larry Maguire: I'm wondering how many arrest warrants the CBSA has issued in past two years to individuals failing to appear for a removal interview or a scheduled removal date.

Mr. Jacques Cloutier: I can't break it down right now by those two categories, but I can certainly get back to you with a full answer on this.

Mr. Larry Maguire: Can you table that for us?

Mr. Jacques Cloutier: Indeed, yes.

Mr. Larry Maguire: In the past two years, out of the arrest warrants that the CBSA issued, how many specifically involved individuals you would deem as so-called irregular arrivals?

Mr. Jacques Cloutier: Over the past two years? That number would be very small, if it exists. I'll table an answer.

Mr. Larry Maguire: Thank you.

There's been a directive issued to help parliamentarians better understand what's transpiring on the ground. Are you permitting CBSA officers to talk to members of Parliament specifically about how the CBSA is dealing with these illegal border crises?

Mr. Jacques Cloutier: Any member of Parliament can have any conversation with officers of the agency or, indeed, public servants. We would never prevent an interaction such as the one you described.

Mr. Larry Maguire: Has there been a directive, though, issued by CBSA employees, to not talk publicly about these so-called irregular arrivals unless they are designated by a spokesperson?

Mr. Jacques Cloutier: The directive that was issued is, in fact, a reminder that all public servants are to use media relation officers and media officers in each of the departments for official communications that reflect the policy of the department in support of the government.

Mr. Larry Maguire: Yes, but we know through media reports that some CBSA front-line officers have serious concerns about what's transpiring with the influx of illegal border crossings, and it's imperative that this committee get a fulsome picture, as we've just pointed out, of what is happening, and the government must be transparent—

The Vice-Chair (Hon. Michelle Rempel (Calgary Nose Hill, CPC)): Mr. Maguire. I unfortunately have to end your time and move to Mr. Anandasangaree.

Mr. Gary Anandasangaree: Thank you, Madam Chair.

My question is with respect to the RCMP and CBSA. I just want to make sure about people crossing the border. Are they being detained, are they being arrested, or what's the legal status in terms of the RCMP's enforcement of those [*Inaudible—Editor*]?

Inspector Jamie Solesme (Superintendent, Federal Policing, Criminal Operations, Royal Canadian Mounted Police): The individuals are arrested under the Customs Act and, as such, they are detained while we do our preliminary risk assessment. Once that is complete and we have no concerns, they are turned over to CBSA.

Mr. Gary Anandasangaree: Are any of them held in detention for longer than...?

Insp Jamie Solesme: If there's an indication that we need to do further inquiries, the person will be kept in RCMP custody until those inquiries take place in order to meet the due diligence of the preliminary risk assessment.

Mr. Gary Anandasangaree: Can you confirm if the national directive on the detention and housing of minors, as given by the Minister of Public Safety, is being adhered to?

Insp Jamie Solesme: Yes. We try to keep the families together, and they're dealt with differently from individuals coming across.

Mr. Gary Anandasangaree: Have we detained children beyond the day—

Insp Jamie Solesme: The children are with their parents, and they're kept in a different style of room so it's more of an interview during the interview process that takes place, then the transportation is facilitated over to CBSA. I wouldn't call it detention in the sense of the probable connotation of what detention is. They're with their parents while their parents go through the process. They're not taken or separated, and no undue harm is caused.

● (1230)

Mr. Gary Anandasangaree: This question is open to all. If we were to declare the entire border a port of entry, what would that look like in terms of people coming across? If people come across, do we physically arrest them, including children, including people who may be injured or disabled, and do we physically move them to the U.S.? I'm trying to get a picture of how that will look in an operational sense.

I know, Mr. Cloutier, you've expressed the concerns in terms of limitations, but I'm wondering so that people will get a picture of what that will look like.

Mr. Jacques Cloutier: Let us assume that we were to do exactly what you suggest and declare the entire border a port of entry. Upon crossing the border, they would then be in a customs controlled area, and they would then still have the obligation to present to an officer, both for customs and, if they are foreign nationals, for immigration purposes. You would have to be able to offer those services all along that border of 8,000 plus kilometres.

Mr. Gary Anandasangaree: From an operational point of view, how many personnel would it take, from the CBSA perspective and from the RCMP perspective? How many men and women in uniform are we talking about?

Mr. Jacques Cloutier: If I may, I would offer this. If you were to declare the southern border a port of entry, there would be no role for the RCMP at that point. In terms of assessing the number of people required in order to navigate that, I couldn't begin to ascertain what that number would look like.

Mr. Gary Anandasangaree: Would it be above 10,000, above 20,000, above 30,000?

Mr. Jacques Cloutier: I'm in no position to assess this.

Across the country, land borders probably receive in the neighbourhood of 60 million travellers a year, so in the sense of everybody going to a port, you would have to be able to replicate that level of service across—

Mr. Gary Anandasangaree: Mr. Cloutier, when somebody comes in, it's not as though we can just take them back to the U. S. border or prevent them from coming in. We have to allow them in.

Mr. Jacques Cloutier: Do you mean under the current model?

Mr. Gary Anandasangaree: Under a model where we have the entire border deemed to be a port of entry.

Mr. Jacques Cloutier: Entry into any country is governed by the decisions of that country. IRCC establishes the requirements to enter into our country.

From our perspective, it is an issue of customs. We would have to be able to screen people and not bring into Canada goods that represent a risk to Canadians. For foreign nationals, we are responsible for administering IRPA at the ports.

Mr. Gary Anandasangaree: Even if we designate the entire border—and Mr. MacDonald, maybe you can jump in—would it be a violation of our international obligations if we were not to process their claim for asylum and have them actually physically sent back to the U.S.? I'm trying to get a picture of what that's going to look like.

Mr. Mike MacDonald: Simply speaking, yes.

The Chair: I'm afraid that's your five minutes.

Mr. Maguire.

Mr. Larry Maguire: Thank you, Mr. Chair.

I'm sharing my time with my colleague, Mr. Tilson.

I want to finish up with what I was looking at. There have been a lot of media reports about CBSA front-line people being very concerned about the so-called irregular border crossings.

I want to ask about two things.

First of all, would they allow some of the CBSA border officers to come before our committee as witnesses?

Mr. Jacques Cloutier: I am very much under the understanding that any committee has the full right to call the witnesses it would like to bring forward, and I would certainly not stand in the way of honouring those wishes.

Mr. Larry Maguire: Thank you.

Just for information, can you table with the committee some of the formal or informal complaints and concerns that you may have already received from some of the front-line CBSA officers? It may mean that we wouldn't have to have them come before us.

Mr. Jacques Cloutier: I will certainly go back and look at whether we have received such complaints, formal or informal. And yes, that being the case, I would certainly be in a position to indicate to you how many.

● (1235)

Mr. Larry Maguire: The number would be nice, but I wonder if you could actually just table for us some of the complaints themselves, so that we know what they are.

Mr. Jacques Cloutier: Mr. Chair, it would very much depend on the nature of the complaint and the elements involved in the complaint, from a privacy perspective. Depending on what the process is, I would be happy to look at what we may have. I am not aware of anything formally lodged within the organization specific to irregular migration.

Mr. Larry Maguire: I'll pass it over to my colleague.

Thank you, Mr. Chair.

Mr. David Tilson: Mr. MacDonald, it's my understanding that the safe third country agreement does not apply to illegal crossings. Am I correct?

Mr. Mike MacDonald: It does not apply to those who cross between the ports of entry.

Mr. David Tilson: That's right. I guess I'm getting back to your discussions about negotiations with the Americans. Both you and the minister have said that there have been informal discussions. With this problem.... This clearly is a problem when the agreement doesn't apply. Why wouldn't there be formal discussions? There's a problem. Do we just ignore it? This agreement is causing a problem, so why wouldn't there be formal discussions?

Mr. Mike MacDonald: Chair, first I'd like to say that no one is ignoring this. As I mentioned, we've been having conversations, sharing the challenges, but again, there has to be a decision made to enter into and give a mandate to do formal negotiations—

Mr. David Tilson: Why wouldn't—

Mr. Mike MacDonald: —by both countries.

Mr. David Tilson: Why wouldn't the Canadian government say "we want to have formal negotiations"? Nothing is going to get solved with informal negotiations.

Mr. Mike MacDonald: Chair, I can't comment on the situation and the decisions the elected officials make. I'm sorry, Chair.

Mr. David Tilson: All right.

Why hasn't the Canadian government asked for an amendment to the agreement?

Mr. Mike MacDonald: Again, Chair, I refer to my previous comment just now about the authority for where that comes from to change the treaty.

Mr. David Tilson: You won't tell me.

Ms. Benzvy Miller, you've given some evidence today about the shortage of the number of IRB members. You've talked about the increased workload that's coming to the board. I'd like you to elaborate as to what you're going to do about that.

Are there directives given to the board members? I get the impression that the process is being watered down because there's been a great increase in the number of applications. Secondly, you have a shortage....

Sorry, Mr. Chairman, that's through you. You have a shortage of members. Are there directives given to the board members?

Ms. Shereen Benzvy Miller: First of all, I really want to thank you for this question, because it's really important that people understand that every member actually makes decisions. There are no directives you could possibly give to an independent decision-maker about how they are to render their decision.

What we have control over as a management team is the way in which we manage the caseload. If in fact we were able to do what you are suggesting, we wouldn't actually have a backlog, because we would be—

Mr. David Tilson: I wasn't suggesting anything. I'm trying to find out what you're going to do about it, because certainly the percentage keeps increasing.

Ms. Shereen Benzvy Miller: Yes, well, certainly the influx is increasing, so the number of cases that are referred to the board for our decision-making is also increasing. In fact—

The Chair: I'm afraid I need you to end there. I'm sure you'll get another opportunity.

Ms. Alleslev and Mr. Thériault.

Ms. Leona Alleslev: I'd just like to be clear: do you feel that the process has been watered down?

Ms. Shereen Benzvy Miller: No. The process remains the same.

Ms. Leona Alleslev: Thank you.

[*Translation*]

I would like to share my time with Mr. Thériault.

Do you have any questions?

Mr. Luc Thériault (Montcalm, GPQ): Yes, thank you.

[*English*]

The Chair: You have five minutes.

[*Translation*]

Mr. Luc Thériault: That's excellent.

We talked about the situation, its management, and the facts related to it, but we haven't talked much about its causes.

Could you tell me, in point form, its three main causes?

● (1240)

Mr. Mike MacDonald: Thank you, Mr. Chairman.

For the sake of accuracy, I will answer in my first language.

[*English*]

There are actually a lot more than three reasons that we've learned from individuals for why they cross the border.

First, it's very difficult to determine what drives people to have a fear of persecution, but we do know this, and people do share with us their feelings at times. Sometimes it's around the number of diaspora communities that are in Canada—family links. The role of social media has been very prevalent in terms of reaching out to people. Political instability in foreign countries, fear of persecution.... We've also heard people say to us that they have a general feeling that they're not welcome in the United States, that immigrants aren't welcome there, but we don't hear people telling us that it's the safe third. We just hear people telling us, "I have to flee my country because I am afraid. Quite simply, I am afraid."

[*Translation*]

Mr. Luc Thériault: To solve a problem, we must clearly establish its causes.

I take from your answer that the main cause of the problem is that people who lived in the United States or had a visa for this country started to be scared and showed up on Roxham Road. That's what you said.

Mr. MacDonald, this question is for Ms. Benzvy Miller rather than for you.

The Immigration and Refugee Board produces charts, in particular on the asylum claims and interceptions by the RCMP at air and land borders.

We want to understand and follow the situation as acutely as possible, especially with respect to the judgment.

In Quebec, at land borders — so at border crossings — there were 1,486 interceptions and 185 asylum claims in February. That's an 8 to 1 ratio. This means that 80% of people go through Roxham Road.

I want to understand something. In Quebec, there were 1,884 interceptions made by the RCMP and 1,610 asylum claims at land borders in March. We're really under the impression that the situation is deteriorating, but we might think that it's now half and half and that we've improved the situation by at least 30%.

I would like to understand how you make your calculations and why you've changed your method.

Ms. Shereen Benzvy Miller: It's not really a question I can answer. I can discuss the cases that are referred to the Commission, but not the interceptions.

Mr. Luc Thériault: Who prepared that chart on interceptions and land borders? Can someone answer my question? I want to know why the number of asylum claims at land borders in Quebec went from 185 in February to 1,610 in March, while RCMP interceptions went from 1,486 to 1,884 during the same period. You indicated earlier that we could expect a rise in April.

What will we do to understand the percentage of entries by Roxham Road compared to those at regular ports of entry? Have you changed your method of calculation?

The Chair: Your time is up, Mr. Thériault, but you can discuss the charts and numbers with our analysts.

● (1245)

Mr. Luc Thériault: Thank you.

[*English*]

The Chair: Ms. Kwan, you have five minutes.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I have a question on the issue around the U.S. being a safe third country. When individuals come through an official port of entry and they are returned because of the agreement, what assurances do you have that these individuals are being treated fairly and that they have full access to protection under the refugee convention in the United States?

Mr. Mike MacDonald: Those assurances flow, one, out of the actual treaty and the fact that we verify each other against the various criteria that are in existence, including the asylum system and how it operates; the adherence of each country to the refugee convention, the convention on torture, the credible fear—

Ms. Jenny Kwan: I'm sorry, I'm going to interrupt you there. I know what the agreement says and what it purports to do. In reality, though, in practice, how do you know that this practice is being adhered to?

Mr. Mike MacDonald: We conduct a review each year of the conditions in the country and the operations of their asylum system. That then verifies that the country is acting in accordance with the agreement.

Ms. Jenny Kwan: Okay.

There have been numerous reports that asylum seekers who are returned to the United States under the safe third country agreement are being held in jail. We understand that you are doing these checks with our American counterparts.

In your discussions with them, what steps have you actually taken to investigate the reports that asylum seekers are being held in jail when they're returned to the U.S. under the safe third country agreement?

Mr. Mike MacDonald: Mr. Chair, I'm not sure there are any investigations. IRCC does not conduct investigations on allegations of what may be occurring in another jurisdiction, overall.

Ms. Jenny Kwan: Then when you say that you do these checks, can you table documents of these checks that you have undertaken? How often do you do them, where are they are undertaken, and what are the findings of these reports? Can you table that information with the committee?

Mr. Mike MacDonald: We can table that information, but I will just repeat, Mr. Chair, that it is a yearly review that is undertaken, and then confirmed.

Ms. Jenny Kwan: All right. I would be very interested in getting this information on an annual basis, and on the safe third country agreement since its inception, so that we can actually have a bit of a comparison, going back year after year with all of your reports to see what the findings are. Is this something that you can do for the committee, and can you commit to providing that information to us?

Mr. Mike MacDonald: We'll take the undertaking, absolutely, Mr. Chair.

Ms. Jenny Kwan: Thank you very much.

On the issue around processing, turning to the IRB, given the rate of increase in terms of asylum claims that are here, while the government has indeed provided additional resources—$74 million—is that sufficient to deal with the situation?

In your presentation you mentioned that we are now receiving 2,300 cases a month, and that it is deficient to address this issue if we are really going to have a robust system to ensure that the backlog is not going to create legacy 2.0, as I would call it. Can you comment on what sorts of resources you would need to actually properly manage this?

Ms. Shereen Benzvy Miller: Bearing in mind that we cannot actually predict what the intake will be, and how many cases will be referred to us, what I can tell you is that the additional funding will allow us to finalize about 17,000 additional refugee claims per year.

Ms. Jenny Kwan: Thank you.

I understand that we can't predict, but—let's just assume—at the rate at which it is increasing at this moment, at 2,300 a month, at this rate as it stands, what kinds of resources would you need?

Ms. Shereen Benzvy Miller: The answer is not a simple one, partly because I don't know how much the efficiencies that we are putting in place, including the way in which we are triaging cases, the way in which we are improving our digital platforms, and the way in which we are improving the supports to members, will result in, in terms of efficiencies, so it's—

Ms. Jenny Kwan: I'm just going to pause here for a minute.

As the system is right now.... I get that you're trying to find efficiencies, and the efficiencies you have found will be great—

Ms. Shereen Benzvy Miller: But the system is changing enormously. In the one year since I've been there we have improved our productivity by 40%, so—

Ms. Jenny Kwan: When would you expect these efficiencies to be completed so that you know that—

● (1250)

Ms. Shereen Benzvy Miller: I think it's an ongoing challenge. We are going to go from paper to digital at some point. We are putting digital platforms in place. We are doing pilots. We are testing various methodologies for the way in which the cases are managed, for instance, by ensuring that if—

Ms. Jenny Kwan: Thank you.

The Chair: I'm afraid I need to end it there.

We have time for about four or five minutes for Mr. Whalen, and then I need the committee for four or five minutes before the bells ring just to go over our next week.

Mr. Whalen.

Mr. Nick Whalen: Thank you, Mr. Chair, and again, thank you all for coming.

Again, my questions really aren't for law enforcement, but thank you for the excellent work you do.

Mr. MacDonald, in terms of our relationship with the U.S. in managing asylum, has the U.S. law changed either in letter or practice for asylum in 2015, 2016, or 2017?

Mr. Mike MacDonald: There have been a series of changes going on in the United States, overall.

Mr. Nick Whalen: Maybe you can describe some of those changes so we can get some confidence so that Canadians feel they are still a safe third country, and that we are monitoring the types of changes that are occurring in their law.

Mr. Mike MacDonald: Mr. Chair, I'm far from an expert on these types of issues in terms of what's actually going on in the United States. There are a lot of motions going forward around those who enjoy temporary protected status. There are decisions being made by the Secretary of Homeland Security around ending with transitional periods. I think that's a key point.

We do know that the temporary protection status changes that are going on in the United States do not appear at this time to be a major driver of why people are coming. For example, only 10% of the Haitians who arrived last year actually had temporary protection status changes.

There are also changes on the floor, as all of you know, around what's called DACA and the dreamers. We are not seeing large movement of DACAs or dreamers wanting to move into Canada, though I will say they are very highly skilled individuals who we would welcome in a permanent resident-type stream.

We do monitor overall—at Global Affairs Canada, and ourselves—the various court challenges that are going on, what is known as the travel ban challenges that are going on, and we do monitor those with a sense of how they impact Canada both at the border—

Hon. Michelle Rempel: I have a point of clarification, Mr. Chair.

Mr. Mike MacDonald: —or in terms of what may be happening in the immigration streams.

Mr. Nick Whalen: I'm sorry this is—

Hon. Michelle Rempel: Point of clarification, Mr. Chair.

The Chair: No, to your point of clarification. If you have a point of order or a point of privilege—

Hon. Michelle Rempel: Sure, a point of order. Actually, I just have a question, because typically department officials don't provide policy statements, and we just had a statement—

The Chair: That would be debate. I get that.

Mr. Whalen.

Mr. Nick Whalen: I'm going to move to my next question anyway. I think I've got the confidence that it's being well monitored and that the United States is still considered to be a safe third country.

Ms. Benzvy Miller, when I look at some of the data around the number of cases you receive going toward the IRB and the number of cases of a regular border crossing that Mr. Michaud raised, I see there's a discrepancy of about 400 or so folks for Q1 of this year. I'm wondering if that is because sometimes people aren't apprehended irregularly and they declare themselves without having been apprehended, or are there other reasons why there might be slight discrepancies in the IRB numbers versus the RCMP numbers?

Ms. Shereen Benzvy Miller: There are no discrepancies. We only record cases that are actually officially referred to us, so people who do not actually meet the test for referral would not show up in our numbers. The numbers that we have are just the claims that we are seized with, and that's why they're always slightly less, but about 99% of all claims do get referred to the IRB.

Mr. Nick Whalen: I'm sorry Ms Benzvy Miller, but it's actually a little bit more, so in the first quarter of—

Hon. Michelle Rempel: Point of order, Mr. Chair.

The Chair: There's a point of order—if it is.

Hon. Michelle Rempel: I believe you've scheduled five minutes of this meeting for business, but that wasn't agreed to by committee, so I would like to have our round of questioning.

The Chair: Okay.

Go ahead.

Mr. Nick Whalen: If I just do the math on your opening statement, I see it's something around 5,400 so far in 2018. Maybe it's because you're counting some April numbers, but the Q1 numbers from Mr. Michaud were 5,052, so it's actually almost 10% higher. I'm trying to understand that discrepancy.

Ms. Shereen Benzvy Miller: It may be the March–April differential, because they're talking numbers in real time and I cut mine off at the end of March. We could get back to committee on that difference. I actually don't know because we didn't consult beforehand to know what data was being provided by what date.

Mr. Nick Whalen: Maybe by the 11th of the month we could have some information on that discrepancy level.

In any event, I'd like to move:

> That the Committee undertake a study of Migration Challenges and Opportunities for Canada in the 21st Century; that the Committee start this study with four meetings in preparation for the previously approved Committee travel to Tanzania and Uganda; and that the witnesses for these meetings be suggested by the analysts; and, following the Committee travel, make a further decision about further meetings for the study.

Thank you, Mr. Chair.

● (1255)

The Chair: And this relates to migration in general?

Mr. Nick Whalen: Yes, as I read, and I appreciate that this is just notice of motion.

Do I have any time remaining for my question?

The Chair: You have six seconds.

Ms. Leona Alleslev: Don't we get to talk about the motion?

Mr. Nick Whalen: No, it's just notice of motion.

Hon. Michelle Rempel: I thought he moved it.

He has finished, so I have the floor.

The Chair: I would take it as notice of motion.

Thank you.

Ms. Rempel.

Hon. Michelle Rempel: Thank you.

Mr. MacDonald, you just mentioned that we would welcome the DACA cohort through an economic immigration stream, as they are skilled. Who is "we"?

Mr. Mike MacDonald: I think Canada overall and the labour market needs within Canada is the "we" when you look at a high-skilled labour market that could be there, which would benefit the country.

Hon. Michelle Rempel: It's odd that a public servant would be suggesting public policy to a committee, but I'd love for you to explore this. Has this been brought up with the minister?

Mr. Mike MacDonald: I'm not aware of any conversations with the minister, at least that I've had with the minister.

Hon. Michelle Rempel: Have you or has anybody in your department brought up a proposal for an economic stream regarding the DACA migration class to the minister?

Mr. Mike MacDonald: To my knowledge, there are no proposals of such nature. We already have very robust economic migration streams through our levels.

Hon. Michelle Rempel: Has the department undertaken an analysis of the skills of the DACA cohort, or has there been any analysis in preparation for a proposal to the minister?

Mr. Mike MacDonald: I'm not aware of any analysis specifically on the DACA cohort, other than what you see in the media.

Hon. Michelle Rempel: So your assertion is your own, then, and when you are saying "we", as Canada, would welcome it, as a senior public official, that's your analysis based on what you've read in the newspaper?

Mr. Mike MacDonald: Chair, I may have overspoken, obviously, by giving a personal opinion, so I do apologize for that.

Hon. Michelle Rempel: I would just note, Mr. Chair, that this is the sort of thing that really derails productive debate, when we have people who represent our public service making assertions without any sort of data analysis here, especially when they don't have the data on the numbers of people who came across the border last month.

I hope we have a more fruitful meeting in the future.

Thank you.

The Chair: Thank you to all of the witnesses.

Just before I adjourn the meeting, I'd like to give a little notice about our next meetings. We have the minister, and we're hoping two ministers will appear. They're not available to appear next week. They will be appearing the following week. The minister will also appear on estimates the week after that. That gives us four meetings of preparation for our travel to Africa. I'm suggesting to the committee that we request the analysts to prepare briefings on our migration study in those meetings. We'll get prepared for that by doing those four meetings.

We request that the analysts suggest witnesses to the committee. Ms. Rempel has suggested one witness, which we'll pass on to the witness list. Ms. Alleslev has suggested a witness as well. I would like to have a different process and leave it to the analysts to recommend a set of briefings so that we're prepared.

Is there agreement on that?

Some hon. members: Agreed.

The Chair: Okay.

The meeting is adjourned.

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